

By: Senator(s) DeBar

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2431

1 AN ACT TO AMEND SECTIONS 37-43-21 AND 37-43-23, MISSISSIPPI
2 CODE OF 1972, TO REMOVE THE REQUIREMENT THAT ANY TEXTBOOK SUPPLIER
3 WITH WHOM THE STATE BOARD OF EDUCATION HAS CONTRACTED TO PROVIDE
4 ALL OF THE STATE'S TEXTBOOKS SHALL MAINTAIN A DEPOSITORY IN THE
5 STATE OF MISSISSIPPI; TO PROVIDE THAT SUCH SUPPLIER MAY HAVE A
6 DEPOSITORY WITHIN THE STATE OR IN A REGIONAL AREA LOCATED IN
7 REASONABLE PROXIMITY TO THE STATE; TO AMEND SECTION 37-43-31,
8 MISSISSIPPI CODE OF 1972, TO CLARIFY INTERNAL REFERENCES AND
9 CORRECT GRAMMATICAL ERRORS; TO AMEND SECTIONS 37-43-33 AND
10 37-43-59, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
11 PROVISIONS; TO BRING FORWARD SECTIONS 37-43-1, 37-43-2, 37-43-17,
12 37-43-19, 37-43-24, 37-43-25, 37-43-27, 37-43-29, 37-43-39,
13 37-43-41, 37-43-43, 37-43-45, 37-43-47, 37-43-51 AND 37-43-57,
14 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
15 TO REPEAL SECTIONS 37-43-37, 37-43-49, 37-43-53 AND 37-43-55,
16 MISSISSIPPI CODE OF 1972, WHICH ARE VARIOUS OBSOLETE PROVISIONS OF
17 THE MISSISSIPPI TEXTBOOK LAW; AND FOR RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** Section 37-43-21, Mississippi Code of 1972, is
20 amended as follows:

21 37-43-21. (1) For the purpose of assisting the board during
22 an adoption, there shall be rating committees in each of the
23 fields in which textbooks are considered for adoption. Each
24 committee shall be composed of seven (7) members. The State
25 Superintendent of Public Education shall appoint four (4) members



26 of each of the committees, each of whom shall be a competent,
27 experienced teacher who is currently teaching in the field in
28 which the textbooks are considered for adoption. The Governor of
29 the State of Mississippi thereupon shall appoint three (3) members
30 of each of said committees, who shall be persons he deems
31 competent to participate in the appraisal of books offered for
32 adoption, in each field, for use in the public schools of this
33 state.

34 (2) It shall be the duty of said rating committees to
35 appraise the books offered for adoption in each field in which
36 textbooks are offered for adoption and recommend eight (8) books
37 and/or series for each adoption to be made by the board and giving
38 the reasons for or basis of such recommendations. No book shall
39 be recommended which does not receive a majority vote of the
40 members of each committee. Any member dissenting from any
41 majority vote of the committee shall make his appraisal of any
42 book recommended or rejected by the majority of the committee and
43 specify the reasons therefor and make such recommendations as he
44 thinks proper. All appraisals, recommendations, and dissents if
45 any, shall be in writing and filed with the board for its
46 consideration upon the adoption. The travel expenses of such
47 committees shall be reimbursed in the amount as provided in
48 Section 25-3-41 and shall be paid out of the State Textbook Fund.
49 Such rating committees shall be subject to the provisions of
50 Section 37-43-17. The board shall have the power to reject any



51 and all recommendations of the rating committees and to call for
52 further recommendations; in no case shall the board adopt any book
53 not recommended by the rating committees.

54 (3) Any and all sample textbooks that may be furnished by
55 the publisher thereof as provided by Section 37-43-59 to any
56 member of the board, the State Superintendent of Public Education,
57 and any member of a rating committee shall within one (1) year
58 after receipt of same by said member be turned in to the * * *
59 Regional School Book Depository without cost to the State of
60 Mississippi, and the same shall thereafter be used without any
61 cost to the State of Mississippi in supplying free textbooks to
62 the educable children of the State of Mississippi as now provided
63 by law or shall be sold to the highest bidder by the board with
64 the proceeds immediately deposited in the State Treasury to the
65 credit of the State Textbook Fund.

66 (4) No state official, state employee, school board member,
67 school superintendent, principal, teacher or any other individual
68 shall sell or donate sample textbooks furnished them by the * * *
69 Regional School Book Depository as part of the textbook adoption
70 or selection process. Said individuals and public officials shall
71 not receive payment by the * * * regional depository, any
72 publisher or any other company for sample textbooks.

73 (5) School districts may annually utilize any portion of the
74 textbook allotment for the repair of textbooks; provided, however,
75 that school districts are authorized and encouraged to utilize the



76 Mississippi Department of Corrections bookbinder for the repair of
77 textbooks.

78 (6) Prices for new textbook purchases shall not be higher
79 than the lowest price at which books are sold anywhere in the
80 United States, after all discounts are allowed.

81 **SECTION 2.** Section 37-43-23, Mississippi Code of 1972, is
82 amended as follows:

83 37-43-23. The State Board of Education is hereby authorized,
84 empowered and directed to advertise for and receive sealed bids
85 for textbooks. Bidders shall quote their lowest net wholesale
86 prices, f.o.b. * * * destination being the board-authorized
87 regional depository. The board may, in its discretion, establish
88 a state depository or approve regional depositories located in
89 reasonable proximity to the state, or inaugurate any other plan
90 for the distribution of books. Such prices shall not be higher
91 than the lowest price at which books are sold anywhere in the
92 United States, after all discounts are allowed. It is the intent
93 of the Legislature that the price paid for a textbook shall not
94 exceed the lowest price at which the same book, both having the
95 same copyright date, is sold anywhere in the United States after
96 all discounts are allowed. Every contract entered into under the
97 provisions of this section by the board and any publisher or
98 publishing company shall contain a provision that the publisher
99 covenants and agrees that he is not furnishing under contract
100 executed after the first day of January of the year in which the



101 contract becomes effective, to any state, county or school
102 district in the United States, the textbooks embraced in the
103 contract at a price below the price stipulated therein. At any
104 time that the board may find that any book or books, in either
105 regular or special editions, are being furnished in any other
106 state at a lower price under contract than it is being furnished
107 in Mississippi, the contract shall be forfeited to the state. Any
108 contractor who violates this provision shall return all money paid
109 out for such book or books and also forfeit such book or books to
110 the state, and suit may be brought on the bond of the contractor
111 for all losses sustained.

112 Successful bidders or contractors * * * may maintain a
113 depository at a place within the State of Mississippi or within a
114 regional area located in reasonable proximity to the state, to be
115 named by the board, where a stock of books sufficient to meet all
116 reasonable and immediate demands shall be kept. Upon requisition
117 of the board, * * * an approved depository shall ship books,
118 transportation charges paid, to the various shipping points in
119 Mississippi to be specified by the board. For such service the
120 depository shall make no charge to the board except the actual
121 cost of transportation from the depository to the shipping point
122 designated. The cost of distribution shall not exceed eight
123 percent (8%) of the total appropriation for any fiscal year.

124 All books furnished the State of Mississippi by contractors
125 under this chapter shall continue to measure up to the same



126 standards as are required in the contract, said standards to
127 include printing, binding, cover boards, mechanical makeup, and
128 any other relevant points as set out in the plans and
129 specifications as fixed by the board. Any contractor of any book
130 or books, who fails to keep said books up to said standards, shall
131 forfeit, not only his contract to the state, but shall return all
132 money paid out for such book or books and also forfeit said books
133 to the state.

134 **SECTION 3.** Section 37-43-31, Mississippi Code of 1972, is
135 amended as follows:

136 37-43-31. (1) The State Board of Education shall adopt and
137 furnish textbooks only for use in those courses set up in the
138 state course of study as recommended by the State Accreditation
139 Commission and adopted by such board, or courses established by
140 acts of the Legislature. In all subjects the board, in its
141 discretion, may adopt textbooks and/or series from those
142 recommended by the textbook rating committees. The board may
143 adopt a plan which permits the local school districts to choose
144 the book or books to be requisitioned from those adopted,
145 provided:

146 (a) That, when a book is furnished by the state, it
147 shall remain in use during the period of its adoption;

148 (b) That the average per pupil cost of textbooks so
149 furnished any unit shall not exceed that allowed for all other
150 units in the state;



151 (c) That nothing herein provided shall be construed as
152 giving any school the authority to discard or replace usable
153 copies of textbooks now being furnished by the state;

154 (d) That the State Department of Education is
155 authorized to disburse the annual textbook appropriation directly
156 to the public school districts in accordance with * * * paragraph
157 (b) of this subsection. The textbooks procured through this
158 chapter, as well as textbooks which are on hand on June 30, 1994,
159 which were previously purchased through the provisions of this
160 statute, shall become the property of the public school district
161 which purchased them, unless the State Department of Education
162 authorizes the transfer of unneeded textbooks to another location
163 in accordance with rules and regulations promulgated by the State
164 Board of Education;

165 (e) That textbooks which are on loan to other than
166 public schools as referenced in Section 37-43-1, shall remain the
167 property of the State of Mississippi. All requisitions for
168 textbooks from these schools shall be submitted to the State
169 Department of Education to be processed and subsequently shipped
170 to the requesting school. No funds shall be disbursed directly
171 from the State Department of Education to the schools in this
172 category for the purpose of procuring textbooks; and

173 (f) That funds made available through this chapter may
174 be used to purchase any state-adopted * * * textbook from
175 any * * * board-approved depository, directly from the publisher,



176 or in accordance with the provisions of Sections 37-43-21(5) and
177 37-43-31(3). For purchases made directly from the publisher, the
178 public school district, or the State Department of Education when
179 purchasing for other than public schools, shall not pay a higher
180 price for a textbook than that listed on the current state-adopted
181 list.

182 (2) Whenever any book under contract is displaced by a new
183 adoption, the board may continue to require the schools to use the
184 recently purchased books from any previous adoption; however, such
185 period of use shall not exceed four (4) years.

186 (3) If five (5) or more school boards petition the State
187 Board of Education to add a book, or a series of books, to the
188 approved list of state adoptions in a given subject area, then the
189 State Superintendent of Public Education shall have sixty (60)
190 days to show cause to the State Board of Education why the books
191 in question should or should not be purchased with state funds.
192 If the petition is not acted upon within the sixty-day period, the
193 petition shall be deemed to be approved. Once a textbook has been
194 approved through the petition process, any public school district
195 or eligible other school may procure the said textbook utilizing
196 funds appropriated through this chapter.

197 (4) If new and innovative textbooks that would improve a
198 particular course of study become available between adoption
199 cycles, a school board may petition the State Board of Education



200 for permission to purchase these books out of sequence to be paid
201 for with state textbook funds.

202 (5) The State Board of Education shall not allow previously
203 rejected textbooks to be used if such textbooks were rejected for
204 any of the following reasons:

- 205 (a) Obscene, lewd, sexist or vulgar material;
- 206 (b) Advocating prejudicial behavior or actions; or
- 207 (c) Encouraging acts determined to be * * * derogatory
208 to any race, sex or religion.

209 (6) All books or series of books adopted under the petition
210 procedures of this chapter shall be purchased under the provisions
211 for bidding, pricing and distribution as prescribed in Section
212 37-43-23.

213 (7) Petition procedure books or series of books adopted
214 under this section shall be considered only until the date of the
215 next regular adoption series in the applicable subject area.
216 Petition procedure books shall be submitted for formal adoption at
217 the next applicable regular textbook adoption as prescribed under
218 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
219 otherwise, such books adopted under the petition procedures which
220 do not receive formal adoption approval as recommended by the
221 textbook rating committee shall be dropped from the state textbook
222 petition adoption list. Provided, however, this provision shall
223 in no way prohibit a school district from using other funds,
224 federal or local, for the purchase of such books.



225 **SECTION 4.** Section 37-43-33, Mississippi Code of 1972, is
226 amended as follows:

227 37-43-33. Any parent, person or school board in any
228 community of the state may purchase books from * * * a
229 board-approved regional depository who is given authority to sell
230 books under the provisions of this chapter. The price of the
231 books so ordered or brought shall be the same as the contract
232 price, plus whatever postage or delivery charges might accrue.

233 **SECTION 5.** Section 37-43-59, Mississippi Code of 1972, is
234 amended as follows:

235 37-43-59. (1) Not more than one (1) pupil copy, one (1)
236 teacher's edition, and one (1) copy of any limited auxiliary
237 materials shall be furnished as samples or specimen copies to any
238 single person involved in the state rating, adoption process of
239 free textbooks. Any and all sample or specimen textbooks or other
240 materials furnished to any person serving in an official capacity
241 or as an officer or employee in a school receiving free textbooks
242 shall be furnished only by the State Board of Education after
243 receipt from the publishers. No samples shall be furnished by
244 publishers directly to any such person. The board shall keep
245 detailed records of all samples furnished to all persons and
246 establish such procedures for return of all samples. The intent
247 of this provision is that no person serving in an official
248 capacity shall receive personal benefit or profit from sale of
249 sample or specimen textbooks.



250 (2) Not more than one (1) pupil copy, one (1) teacher's
251 edition, and one (1) copy of any limited auxiliary materials shall
252 be furnished for review and inspection to any single person
253 involved in the selection committee process of free textbooks. Any
254 and all textbooks or other materials furnished to any such person
255 serving in a selection committee capacity for inspection and
256 review shall be furnished subject to the rules and regulations
257 adopted by the board which such rules and regulations shall not
258 prohibit direct delivery by the publishers to such persons. The
259 board shall keep detailed records of all textbooks and auxiliary
260 materials furnished to all such persons and establish such
261 procedures for the return thereof. Any and all textbooks
262 furnished to persons serving on selection committees shall be
263 turned in to the * * * Regional School Book Depository without any
264 cost to the State of Mississippi and shall be credited to the
265 account of the publisher. Any and all textbooks so furnished to
266 persons serving on selection committees which have not been
267 returned within one (1) year of the receipt of same the value
268 thereof shall be charged against the allocation of state funds to
269 said school district to the same extent as if said books had been
270 purchased by said school district. The intent of this provision
271 is that no person serving as a selection committee member shall
272 receive personal benefit or proceeds from the sale of said
273 textbooks.



274 (3) The * * * Regional School Book Depository shall pay into
275 the State Treasury to the credit of the State Textbook Fund the
276 net wholesale price less an eight percent (8%) distribution cost
277 and freight charges of those adopted textbooks which are returned
278 by the rating committees as required herein. The board shall also
279 provide for the sale of damaged books and those textbooks not
280 adopted into the secondary textbook market on an annual basis.
281 The * * * Regional School Book Depository shall pay into the State
282 Treasury to the credit of the State Textbook Fund the amount
283 received for which said textbooks are sold less an eight percent
284 (8%) distribution cost and freight charges of said textbooks which
285 are damaged or not adopted.

286 (4) Any person converting to personal use or selling any
287 sample or specimen textbook or other materials contrary to
288 provisions of this section shall be guilty of the crime of
289 embezzlement as provided by Section 97-11-25 and in addition shall
290 upon conviction pay a fine of Fifty Dollars (\$50.00) per book sold
291 or converted to personal use and shall be removed from any public
292 office or public employment position held.

293 **SECTION 6.** Section 37-43-1, Mississippi Code of 1972, is
294 brought forward as follows:

295 37-43-1. (1) This chapter is intended to furnish a plan for
296 the adoption, purchase, distribution, care and use of free
297 textbooks to be loaned to the pupils in all elementary and high
298 schools, other than charter schools, of Mississippi.



299 (2) The books herein provided by the State Board of
300 Education, which shall be the State Textbook Procurement
301 Commission, shall be distributed and loaned free of cost to the
302 children of the free public school districts of the state and of
303 all other schools located in the state, which maintain educational
304 standards equivalent to the standards established by the State
305 Department of Education for the state schools as outlined in the
306 Approval Requirements of the State Board of Education for
307 Nonpublic Schools.

308 (3) Teachers shall permit all pupils in all grades of any
309 public school in any school district to carry to their homes for
310 home study, the free textbooks loaned to them, and any other
311 regular textbooks whether they be free textbooks or not.

312 (4) For the purposes of this chapter, the term "board" shall
313 mean the State Board of Education.

314 (5) "Textbook" shall be defined as any medium or manual of
315 instruction which contains a systematic presentation of the
316 principles of a subject and which constitutes a major
317 instructional vehicle for that subject.

318 (6) In addition to the authority granted in this chapter,
319 local school boards shall make available to the parents or legal
320 guardians of any children of school age who reside in the school
321 district administered by the school board, upon request, any
322 textbooks on the state surplus inventory list. The parent or
323 legal guardian is responsible for the return of the textbook(s) to



324 the local school district upon completion of the textbook(s) use.
325 Failure to return the textbook(s) to the school district will
326 result in the parents or legal guardians being responsible for
327 compensating the school district for the fair market value of the
328 textbook(s).

329 **SECTION 7.** Section 37-43-2, Mississippi Code of 1972, is
330 brought forward as follows:

331 37-43-2. (1) On July 1, 1987, the State Board of Education
332 shall assume all power, authority, duties and functions of the
333 State Textbook Procurement Commission. All records, personnel,
334 property and unexpended balances of appropriations, allocations or
335 other funds of the State Textbook Procurement Commission shall be
336 transferred to the State Board of Education on July 1, 1987. All
337 such employee transfers shall be in accordance with the rules and
338 regulations of the State Personnel Board. It is the intent of the
339 Legislature that the number of persons employed by the state as a
340 result of the consolidation required by this section shall be
341 reduced where possible, but that such reduction shall result from
342 attrition of employees and not dismissal.

343 (2) Each officer or agency subject to the provisions of this
344 section is hereby authorized and empowered to promulgate such
345 rules and regulations not conflicting with this section necessary
346 to accomplish an orderly transition. Each officer or agency
347 subject to this section shall assist, with the fullest degree of



348 reasonable cooperation, any other officer or agency in carrying
349 out the intent and purpose of this section.

350 (3) All members serving on the Mississippi State Textbook
351 Procurement Commission as it existed under the provisions of
352 Section 37-43-3 prior to June 30, 1987, shall continue to serve in
353 an advisory capacity to the State Board of Education until
354 December 31, 1987. This advisory board shall be known as the
355 "Mississippi State Textbook Advisory Board," and shall assist the
356 State Board of Education in assuming its duties under the
357 provisions of this section and shall provide technical assistance
358 as may be requested. The State Department of Education, from any
359 funds appropriated thereto, shall, upon the request of the State
360 Board of Education, timely pay all sums reasonably required for
361 the operation of the Mississippi State Textbook Advisory Board,
362 including per diem and actual expenses of such board, through
363 December 31, 1987.

364 **SECTION 8.** Section 37-43-17, Mississippi Code of 1972, is
365 brought forward as follows:

366 37-43-17. If any person related within the third degree by
367 blood or marriage, as computed by civil law, to any member of the
368 board, or if any person that is associated in any business or
369 partnership with any member of said board, shall be employed in
370 good faith by any school book company, firm, corporation or agent
371 in connection with the adoption of textbooks within this state,
372 the said member of the board so related by blood or marriage, or



373 so associated in business or partnership with such person, shall
374 not vote in the rating and adoption of any school book or books
375 offered by such school book company, firm, corporation or agent
376 for adoption.

377 **SECTION 9.** Section 37-43-19, Mississippi Code of 1972, is
378 brought forward as follows:

379 37-43-19. The board shall have the power and is hereby
380 authorized:

381 (a) To promulgate rules and regulations for the
382 purchase, care, use, disposal, distribution and accounting for all
383 books to be furnished under the terms of this chapter, and to
384 promulgate such other rules and regulations as may be necessary
385 for the proper administration of this chapter.

386 (b) To adopt, contract for, and make available for
387 purchase, cash or credit, basal, supplementary or alternative
388 textbooks through twelve (12) grades as provided in the school
389 curriculum, or for any other course that it may add thereto.

390 (c) To determine the period of contract for rated and
391 adopted textbooks which shall not be for less than four (4) years
392 nor more than five (5) years, with the right of the board, in its
393 discretion, to renew or extend such contract from year to year for
394 a period not exceeding two (2) additional years and to determine
395 the conditions of the approval or forfeiture of a contract and
396 such other terms and conditions as may be necessary and not
397 contrary to law.



398 (d) To have complete power and authority over additions
399 and amendments to textbooks, advertising for bids and the contents
400 thereof, including auxiliary materials and workbooks, advertising
401 on the protective covers of textbooks, bids and proposals, prices
402 of textbooks, specimen copies, cash deposits, selection and
403 adoption, distribution, fumigation, emergencies, selling to
404 others, return of deposits, forfeiture of deposits, regulations
405 governing deposits, renovation and repair of books, requisition,
406 transportation or shipment of books, and any other acts or
407 regulations, not contrary to law, that may be deemed necessary for
408 furnishing and loaning free textbooks to the school children, as
409 provided in this chapter.

410 **SECTION 10.** Section 37-43-24, Mississippi Code of 1972, is
411 brought forward as follows:

412 37-43-24. (1) This section shall be referred to and may be
413 cited as the "Timely Acquisition of Braille and Large Print
414 Textbooks Act of 2002."

415 (2) The State Department of Education is hereby authorized
416 and directed to place textbook procurement orders for visually
417 impaired and hearing impaired students in the schools of this
418 state prior to the beginning of the fiscal year for which the
419 expenditure for such order has been authorized by the Legislature.
420 After June 1 of any year, the State Department of Education may
421 order additional books, as needed. In addition, the State
422 Department of Education is authorized and directed to place



423 textbook, equipment and school supply procurement orders for
424 students attending the state supported schools administered by the
425 State Board of Education prior to the beginning of the fiscal year
426 for which the expenditure for such order has been authorized by
427 the Legislature, and may order additional books, equipment and
428 supplies at a later date, as needed. The department shall insure
429 that the appropriate procedures for textbook procurement are
430 followed according to state law and board policy as described in
431 the Textbook Administration Handbook.

432 **SECTION 11.** Section 37-43-25, Mississippi Code of 1972, is
433 brought forward as follows:

434 37-43-25. Specimen copies of all textbooks, which have been
435 made the basis of contracts under the provisions of this chapter,
436 clearly marked and identified as such, shall be deposited by the
437 publisher of said books with the State Superintendent of Public
438 Education. Said specimen copies shall be preserved and kept open
439 for inspection by the public.

440 A copy of all contracts and bonds executed under the
441 provisions of this chapter shall be provided to the following, one
442 (1) copy for the contractor, one (1) copy to be filed in the
443 Office of the Secretary of State, and one (1) copy to be filed in
444 the office of the State Superintendent of Public Education.

445 An original of each bid, whether accepted or rejected, shall
446 be filed and preserved in the office of the State Superintendent
447 of Public Education for at least five (5) years.



448 **SECTION 12.** Section 37-43-27, Mississippi Code of 1972, is
449 brought forward as follows:

450 37-43-27. No book or books shall be purchased from any
451 person, firm or corporation who is a member of, or connected with,
452 any trust. In the event that it is established that this
453 provision has been violated, the contract shall be forfeited and
454 monies paid out under this contract shall be returned to the
455 state, and all books heretofore purchased under said contract
456 shall be kept by the state or the public school district which
457 purchased the textbooks.

458 **SECTION 13.** Section 37-43-29, Mississippi Code of 1972, is
459 brought forward as follows:

460 37-43-29. Any person, firm or corporation with whom a
461 contract has been entered into, under the provisions of this
462 chapter, shall designate the Secretary of State of Mississippi as
463 its agent, upon whom citation and all other writs and processes
464 may be served, in case any suit shall be brought against such
465 person, firm or corporation.

466 **SECTION 14.** Section 37-43-39, Mississippi Code of 1972, is
467 brought forward as follows:

468 37-43-39. No teacher in any of the schools of the state, and
469 no county or municipal superintendent of schools, and no person
470 officially connected with the government of or direction of any
471 school shall, during the term of his office as said superintendent
472 or during the time of his or her employment as teacher, act as



473 agent or attorney for any textbook publishing company selling
474 textbooks in this state. If, after election as county or
475 municipal superintendent or employment as teacher, any person
476 filling such position accepts the agency or attorneyship of any
477 textbook publishing company, the acceptance of such agency or
478 attorneyship shall work a forfeiture of the office or position as
479 teacher held at the time of the acceptance of such agency or
480 attorneyship.

481 **SECTION 15.** Section 37-43-41, Mississippi Code of 1972, is
482 brought forward as follows:

483 37-43-41. The State Textbook Fund of Mississippi shall
484 consist of the amounts appropriated by the Legislature for the
485 same, all monies accruing from the sale of disused books from
486 other than public schools, all monies derived from the purchase of
487 books by both public and private schools trustees, and by private
488 individuals, all monies collected in damage suits under the terms
489 of this chapter, and all other monies collected in any way
490 whatsoever under the terms of this chapter.

491 There is hereby created a special fund in the State Treasury
492 to be designated as the "Local School District Textbook Carryover
493 Fund." Said fund shall be credited with any funds which were
494 appropriated by the Legislature to the State Textbook Fund for any
495 fiscal year in which said funds were allocated to local school
496 districts but unexpended by said districts. Said unexpended funds
497 shall be deposited by the board into the Local School District



498 Textbook Carryover Fund to the credit of the local school
499 districts which were originally allocated such funds. All
500 carryover funds which exist on June 30, 1994, which belong to
501 public school districts shall be disbursed to the respective
502 school districts. Carryover funds for other than public schools
503 shall be handled in the same manner as previously described in
504 this section.

505 **SECTION 16.** Section 37-43-43, Mississippi Code of 1972, is
506 brought forward as follows:

507 37-43-43. The State Superintendent of Public Education shall
508 deposit all funds sent to him from nonpublic schools for lost
509 books or damaged books as well as all other funds accruing under
510 this chapter in the State Treasury to the credit of the State
511 Textbook Fund.

512 **SECTION 17.** Section 37-43-45, Mississippi Code of 1972, is
513 brought forward as follows:

514 37-43-45. Any loss occasioned by the neglect, carelessness
515 or failure of duty by the county superintendent or any principal
516 or teacher in charge of any school, shall entitle the state to
517 bring suit for the recovery of the amount of the loss or losses
518 occasioned thereby.

519 Any writ or suit of any nature instituted under the
520 provisions of this chapter shall be brought in the name of the
521 State of Mississippi by the Attorney General. Any money or moneys



522 recovered by such suit shall be placed to the credit of the State
523 Textbook Fund.

524 **SECTION 18.** Section 37-43-47, Mississippi Code of 1972, is
525 brought forward as follows:

526 37-43-47. Bills for textbooks purchased by the state on
527 requisitions as provided in this chapter, and bills for all other
528 expenses incurred under the terms of this chapter, shall be paid
529 by warrants on the State Treasury made by the Auditor on receipt
530 of bills from the State Superintendent of Public Education, and
531 approved by the State Board of Education. Bills for textbooks
532 purchased by public school districts, shall be submitted to the
533 respective school district submitting the requisition. Each
534 public school district will make payment to the appropriate entity
535 which is responsible for providing the requested textbooks.

536 **SECTION 19.** Section 37-43-51, Mississippi Code of 1972, is
537 brought forward as follows:

538 37-43-51. The management of all public, private, parochial
539 or denominational schools wherein the board is furnishing to the
540 students thereof free school textbooks and said free school
541 textbooks are used by the students in said school, shall file
542 annually with the State Board of Education any and all reports as
543 may be required by the board.

544 Any person who shall refuse, neglect or fail to file any
545 report required by the board shall be denied a new allocation of



546 funds until such reports have been completed and filed with the
547 board.

548 **SECTION 20.** Section 37-43-57, Mississippi Code of 1972, is
549 brought forward as follows:

550 37-43-57. Except as may otherwise be provided in this
551 chapter, any person willfully violating any of the provisions of
552 this chapter shall be guilty of a misdemeanor, and upon conviction
553 shall be punished by a fine of not less than Five Hundred Dollars
554 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
555 imprisonment not to exceed twelve (12) months in the county jail,
556 or by both, in the discretion of the court.

557 **SECTION 21.** Section 37-43-37, Mississippi Code of 1972,
558 which requires all books to have a uniform label printed on the
559 inside cover and for all teachers to maintain an accurate record
560 of the number and names of all books issued to pupils, is hereby
561 repealed.

562 **SECTION 22.** Section 37-43-49, Mississippi Code of 1972,
563 which requires county boards of supervisors to provide adequate
564 storage space in the county courthouse or other county building
565 for the storage of school textbooks, is hereby repealed.

566 **SECTION 23.** Section 37-43-53, Mississippi Code of 1972,
567 which authorizes the State Board of Education to offer the space
568 on the protective of textbooks for advertising purposes, is hereby
569 repealed.



570 **SECTION 24.** Section 37-43-55, Mississippi Code of 1972,
571 which authorizes the State Board of Education to purchase and
572 determine the number of copies of the Mississippi Blue Book to be
573 furnished to each school for supplemental use therein, is hereby
574 repealed.

575 **SECTION 25.** This act shall take effect and be in force from
576 and after July 1, 2022.

